

Minutes
Personnel Policy Board
June 27, 2014
9:30 a.m.

Members Present: Ted Smith, Chair; Susan Hoffer; Hon. James Hovey; Petra Mandigo Hulm; Ross Munns; and Rod Olson

Members Absent: Hon. Gail Hagerty, Vice Chair
Hon. Lisa Fair McEvers

Others Present: Sally Holewa, Ex Officio
Amy Klein, Staff
Scott Johnson, Assistant State Court Administrator
Carolyn Probst, Court Administrator Unit 4
Donna Wunderlich, Court Administrator Unit 3
Victoria Thelen, Human Resource Intern
Renee Barnaby, Minutes

Chair Smith called the meeting to order at 9:28 a.m. He welcome Judge Hovey as a new member.

Minutes

It was moved by Rod Olson, seconded by Petra Hulm, to approve the minutes of April 4, 2014, meeting. The motion carried.

Proposed Salary Ranges for July 2014 - June 2015

Amy Klein presented the Board with the proposed pay ranges for July 2014 through June 2015. The changes reflect a 3% increase in all pay grades and steps. **It was moved Petra Hulm, seconded by Rod Olson, to approve the proposed salary ranges and forward it to the Supreme Court for consideration. The motion carried.**

Sick Leave Policy

The Sick Leave Policy was sent out for comment. No comments were received. **It was moved by Petra Hulm, seconded by Ross Munns. to forward the policy to the Supreme Court for consideration. The motion carried.**

Pay Grade Exception Request

Amy Klein explained Unit 4 is requesting a pay grade exception for the deputy clerk of district court I position in Williams County in order to attract and retain staff. The hiring salary for a deputy clerk I position is currently a pay grade 4, step 5. The proposal is to hire the position at pay grade 10, step 1, the same as a deputy clerk II. She said at pay grade 4, the position is hard to fill, and they have had continuous turnover. Seventy percent of those that apply need to relocate

and anyone who has accepted the position has not needed relocation. The office is very small with limited resources and has a very stressful work environment. They do not have the staff to continuously train someone and have two long-term staff who are eligible for retirement. If they choose to retire soon, there is no one on staff who is able to train. She said hopefully this, together with the stipend, will draw a better applicant pool to have a better fit for the position.

Petra Hulm noted that Judge McEvers had some concerns with both policies. Ms. Hulm suggested the matter be held over until Justice McEvers was able to participate. She added it seems that the problem in keeping people has to do with the work more than it has to do with the pay. In reviewing the reasons why the people left, only two of them left because of compensation and the rest noted job stress issues. Ms. Klein responded a lot of applicants are turning down the position after they become aware of the cost of living and compensation.

Ms. Hulm suggested finding ways to help the clerks like putting someone in another location that can do Odyssey filings. Rod Olson said the e-filings can be covered from anyplace in the state. Last summer Cass County covered the e-filing cue for Williston for several months. He agrees the matter should be held over to receive input from Justice McEvers and Judge Hagerty.

Carolyn Probst said even though the goal is to move toward uniformity, it is simply not uniform statewide. Her administrative assistant is assisting with the e-filing in Williston. However, e-filing is just one piece of a deputy's job. There are numerous things they still do with physical documents and have other tasks in the office that hinder their ability to handle the workload.

Ms. Probst requested that the matter not be tabled because the situation in Williston is extreme and until a person actually visits it, sees it, and experiences it, it is hard to realize the seriousness. Deputy clerks at pay grade 4 currently net \$1,600. Average rent in Williston is around \$2,000 per month, day care is \$1,000 per month/per child, plus all other living expenses. She said some staff are working three jobs. One staff member is living in a condemned home because that is all she can afford. She has one room with electricity and just got water. Ms. Probst said she assumes the situation is similar in Stark County and meant to include them in her request.

In response to a question asking how many positions are vacant, Ms. Probst responded one. Once it is filled, the office will have a total of eight clerks: four with less than a year, one just at a year, one at seven years, one with 27 years, and one with 35 years.

In response to a question asking if the Board recommended and the court approved hiring at pay grade 10 what effect it would have on things right now, Ms. Probst responded it would give immediate assistance to them being able to afford to live and relieve some personal stress that they are carrying on top of their professional stress.

In response to a question asking if the request only applies to new clerks, Ms. Probst stated no. She said although her memo does request the adjustment for new hires, she is requesting it for all

deputy clerk I positions in Williams County.

Susan Hoffer said she has two deputy clerk I employees in her office and both of them are working two jobs and are living with other people. Although the pay for the deputy clerk I position may need to be addressed, the immediate crisis in Williams County.

Ms. Probst said her primary justification for the pay grade exception is not only to increase the quality of the applicant pool, but also to retain what they currently have and continue to show some sense of support to the staff with the pressures they have both personally and professionally.

Donna Wunderlich said the applicant pools are greatly affected by the economy. She said for example, there is a deputy clerk I position open in Mandan, which closes in a couple days. Currently, they have 12 applications off of 204 hits on the site, which means less than 6% of the people that look at it apply for it. For that same office, they received 47 applications in 2012 and 97 in 2009. She said this shows it is a statewide issue that our pay scales do not attract the people that it used to. She too is concerned about the quality of the applicant pool.

It was moved by Rod Olson, seconded by Judge Hovey, to increase the salary for a deputy clerk I in Williams County from pay grade 4 to pay grade 10.

In response to a question from Judge Hovey asking how this will affect morale with the other staff in the office, Ms. Probst responded the housing stipend would address the other staff who need the same consideration. She said that issue will be discussed as a separate agenda item. With regard to the salary adjustment itself, she is certain staff would but supportive knowing that the need is there.

In response to a question asking if McKenzie County will officially become state funded in July 2015, Ms. Holewa responded the county has made the election, but it has to be approved by the legislature.

Ross Munns suggested a review of the statistics after six months to a year in terms of the impact of this change, if the court approves the change for Williams County. He also supported doing a review on the volume of applicants such as Ms. Wunderlich suggested.

The motion carried and will be sent to the Chief Justice for consideration.

Housing Stipend Request

Sally Holewa said the agenda refers to the stipend, but there appears to be two separate requests for two separate items. The add-on policy is simply a cash payout. The stipend is a rent subsidy, which is strictly for rent and the employee would need to provide proof that rent was paid. It also has a provision that if the employee leaves employment, the state can recoup part of the money.

Ted Smith said it does not appear that we would be eligible for the state's rent subsidy fund. Ms. Holewa agreed and stated the fund was set up last legislative session. Because the court did not contribute to the fund, we would not be eligible to draw from it.

Carolyn Probst clarified her intent was to ask for \$500 to be used for whatever the employee needs. It would be given to all classified employees and law clerks.

Petra Hulm said she has concerns with a policy that grants everybody the same relief. She said for example, one employee may be a single mom paying for everything and another employee may be someone whose husband owns a large oil company and does not need the assistance. She suggested it might be beneficial to have an application process. Ms. Probst agreed it should not be an automatic, and we should have some sort of process.

Ms. Holewa noted whatever policy is chosen would need a significant amount of structure. She noted the proposed policy states it will not be in excess of \$500 and that the administrator is making that determination. However, at this point, there is no proposed scale or way to determine who is going to get what.

It was moved by Rod Olson, seconded by Ross Munns, to table the item and forward it to a subcommittee for redraft or development of a new proposal for review at the next meeting. Chair Smith appointed Amy Klein, Carolyn Probst, Donna Wunderlich, and any others who are interested in participating on the subcommittee.

Mr. Munns requested consideration be given to including the Southwest District in the request.

With the consent of the second, the motion was amended to also include the Southwest District.

Scott Johnson suggested a fiscal note be included as a part of the discussion.

Ms. Probst thanked the Board for its time and consideration and left the meeting.

Proposed Training Requirement Policy

Ross Munns explained that he and Judge Hagerty drafted a brief policy to capsule the concerns at the last meeting discussing in particular the sexual harassment and discrimination training. The draft policy is before the Board for consideration.

Sally Holewa indicated she liked the policy however was concerned that the maximum amount of time required is one hour. She has received several requests to have the training done in person, and if it is limited to one hour per year that will prohibit that. To do the training in person, it would take anywhere from one to three hours. However, if people would rather have a paper review or an internet review, then one hour would be sufficient.

Ms. Klein said she is unsure that the maximization of one hour shows the court's commitment to ensuring everyone understands we are committed to preventing it.

Rod Olson suggested doing four hours every two years. That way you could do one hour one year and three hours the next year or we could just do one four-hour training in the two-year period.

Ms. Holewa said both the state court administrator and director of human resources have language in their respective job classifications stating they will implement risk management. There has been a lot of push back about doing risk management training at all levels. Time was also a concern. She said a consensus is needed on what the court system is looking for in regards to training.

Petra Hulm said she had no objection to putting a time limit on the training but requested we avoid doing it all at one time. Mr. Olson agreed the time is important as some of the offices are already stressed, and it is difficult to have people traveling a long distance to attend a two-hour training. He said even though there were some issues with the internet training recently held, it was convenient for employees. Ms. Klein added she received a lot of positive responses concerning the training and only received a few negative responses.

Susan Hoffer said while she does not have an issue with training, it can sometimes create a hardship to give 12 hours of staff time to training when there are 25 hours of processing casework to be done. She suggested it may be easier to stagger the timeline requiring 20% of the office to complete the training by a certain deadline rather than requiring 100% of the employees to be done all within the same time period. Mr. Olson added that employees also have other training they are required to do such as Odyssey and FASCES.

It was moved by Rod Olson, seconded by Ross Munns, to approve the training requirement policy with the following modification to the second sentence in paragraph two: The ~~maximum~~ amount of time required will be ~~one hour~~ no more than four hours every two years.

Ms. Klein said the proposed policy is only on harassment and discrimination and inquired if this would have an effect on the other training required such as the annual review of the policies, etc. It was the consensus of the Board that the proposed policy is only for harassment and discrimination training and is in addition to the other training and that the other training will not be affected.

Judge Hovey suggested that judges be included in the policy. Ms. Holewa responded judges are not included because our personnel policy covers regular employees and judges are elected officials. Mr. Munns added he believed that was Judge Hagerty's intent with the last sentence of the policy to make it available and encourage judges to participate. However, due to the constraints of our policy manual, it is questionable to start mandating things to elected officials.

The motion carried and will be sent out to employees for comment.

Physical Requirements of Job Classifications

Amy Klein explained at the last meeting, the Board requested an example of how the ADA compliance language would look in the physical requirements section of a job classification. She presented the Board with two examples of proposed language.

Sally Holewa indicated she prefers the second example because it refers to accommodations and completing the essential functions.

It was moved by Petra Hulm, seconded by Susan Hoffer, to add the following language to the end of the first sentence of the first paragraph under physical requirements section: or other reasonable methods that accommodate an individual in completing the essential functions of the job. The language will be added to all job classifications and forwarded to the Supreme Court for consideration. The motion carried.

Request to Change the Definition of Child

Amy Klein said she received a request to change the definition of a child in the policies. The current definition in our policies allows leave for an adult sibling but does not include an adult child. The person making the request said it is unfair considering other relatives are listed in the policies. She said it mostly effects the family sick leave and FMLA policies, but she included all policies where child was mentioned. The child definition was changed to include any type of child. Ms. Klein said other surrounding court systems do include adult children, but the executive branch does not. However, the court system also includes others that the executive branch does not include. The executive branch includes parent, spouse, child, or any other family member who is financially or legally dependent on the person.

[Judge Hagerty joined the meeting]

Sally Holewa said there is no additional financial cost to expand who is covered. The employee would have to use vacation, sick leave, or time without pay, so the only detriment to the organization by expanding the coverage under that list would be that they would then be eligible for extra time off.

It was moved by Susan Hoffer to amend the definition of child. The motion failed due to a lack of a second.

Petra Hulm said if it is the intent to only expand the coverage under the family sick leave policy, she suggested just adding a sentence to that policy. She said she is hesitant to add it to the FMLA policy in light of the fact that no one else is doing that.

Judge Hagerty suggested that a draft be presented at the next meeting for the Board's review.

Rod Olson said in order to understand and respond to an employee's request, it would be helpful for future meetings to receive a memo from the person making the request.

It was the consensus of the Board to have Ms. Klein present at draft covering adult children in the family sick leave policy at the next meeting.

Pay for Bailiffs

Sally Holewa explained the proposed reporting pay provision for bailiffs would pay a bailiff the sum of \$25 if the need for their services is cancelled with less than a 24-hour notice. Bailiffs are currently paid \$11.25 per hour or a minimum of \$25 per day, whichever is greater. The \$25 minimum is paid when a bailiff reports for duty and the court requires less than 2½ hours of services. She said the request originally came from Judge Nelson because they are having trouble keeping bailiffs. One of the issues is they schedule the bailiffs and then cancel them repeatedly making the job unattractive to anyone who needs a regular schedule. Ms. Holewa said because the change may have a significant impact on the budget, she wanted the Board's input on the policy before preparing a fiscal note.

Judge Hagerty agrees something needs to be done and was wondering if it is fair to pay the same if you cancel as if they come down and start the coffee.

Rod Olson stated in a smaller county, this would not be an issue, but he is unsure how it would work in Cass County. Every week trials are scheduled for Tuesday and Thursday in three courtrooms, and they are scheduled 12 to 14 deep. Six bailiffs are scheduled. He said they usually find out Monday and Wednesday afternoon if the cases are settled. They only average three trials a month so that would be a significant amount of money.

Judge Hovey noted that while he does not have trouble with the bailiff in New Rockford, it has been difficult at times in the other counties. Mr. Olson said he recently had to send a bailiff from Cass County to cover a trial in Wahpeton because they were unable to find a bailiff in Wahpton. Judge Hagerty added she too occasionally has to have a bailiff go along to the rural counties. She requested consideration also be given to raising the salary to \$12.

Mr. Olson said there is a question on the jury questionnaire asking if they are interested in serving as a bailiff. Ms. Hoffer said they have a question on their questionnaire too and she is getting ready to do a training.

A special meeting will be held sometime in August to consider the add-on request. The next regularly scheduled meeting is October 3.

The meeting adjourned at 11:20 a.m.